

Baker & Hostetler LLP
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Hearing Date: August 18, 2021
Hearing Time: 10:00 a.m. (EST)
Objections Due: August 4, 2021
Objection Time: 4:00 p.m. (EST)

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ORBITA CAPITAL RETURN STRATEGY
LIMITED,

Defendant.

Adv. Pro. No. 11-02537 (CGM)

**NOTICE OF MOTION FOR ENTRY OF ORDER
APPROVING A SETTLEMENT AGREEMENT
BY AND BETWEEN THE TRUSTEE AND DEFENDANT**

PLEASE TAKE NOTICE that on July 13, 2021, Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, by and through his undersigned counsel, files this motion (the “Motion”) for entry of an order, pursuant to section 105(a) of the United States Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure, approving a settlement agreement by and between the Trustee and Orbita Capital Return Strategy Limited. The Motion will be heard telephonically before the Honorable Cecelia G. Morris, Chief Judge for the United States Bankruptcy Court, Southern District of New York, on **August 19, 2021, at 10:00 a.m.** (the “Hearing”), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE pursuant to the Court’s General Order M-543, *In re: Coronavirus/COVID-19 Pandemic, Court Operations Under the Exigent Circumstances Created by COVID-19*, dated March 20, 2020, all hearings will be conducted telephonically pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Chief Judge Morris’s guidelines for telephonic appearances and are required to arrange to appear telephonically with Court Solutions LLC at <https://www.court-solutions.com/> no later than 12:00 p.m. (Eastern Time) one business day before the Hearing. Further instructions regarding telephonic appearances via Court Solutions can be found on the Court’s website at <http://www.nysb.uscourts.gov/news/general-order-m-543-court-operations-under-exigentcircumstances-created-covid-19>. Pro se parties may participate telephonically in hearings free of charge.

PLEASE TAKE FURTHER NOTICE that if you object to the relief requested in the Motion you are required to file a written objection (“Objection”) with the Clerk of the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 by no later than **4:00 p.m., on August 4, 2021** (the “Objection

Deadline”). The Objection must be served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq. and (b) the Securities Investor Protection Corporation, 1667 K Street, NW, Suite 1000, Washington, DC 20006, Attn: Kevin H. Bell, Esq. and Nathanael Kelley, Esq. Any Objection must specifically state the interest that the objecting party has in these proceedings and the basis of the objection to the Motion.

PLEASE TAKE FURTHER NOTICE that if no Objections are timely served with respect to the Motion, the Trustee may, on or after the objection deadline, submit to the Bankruptcy Court an order substantially in the form of the proposed order annexed hereto, which may be entered without further notice or an opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that you need not appear at the hearing if you do not object to the relief requested in the Motion.

Dated: July 13, 2021
New York, New York

Respectfully submitted,

BAKER & HOSTETLER LLP

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